

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

-----X  
LOURINZA BURWELL,

Plaintiff,

14 Civ.

-against-

COMPLAINT

MASSACHUSETTS BAY COMMUTER RAILROAD,

Defendant.  
-----X

PLAINTIFF DEMANDS TRIAL BY JURY

Plaintiff, by his attorneys, Thornton & Naumes, LLP, complains of the  
defendant and alleges:

FIRST: This action is brought under the Federal Employers' Liability Act, (45  
U.S.C. Sec. 51 et seq.).

SECOND: The defendant is a corporation engaged in interstate commerce by  
rail and operates a railroad system and railroad yards within the jurisdiction of this  
Court and in various other States.

THIRD: That prior to February 25, 2011, and at all times hereinafter mentioned,  
the defendant employed the plaintiff as a signalman under its direction, supervision and  
control and in furtherance of defendant's business in interstate commerce.

FOURTH: That prior to February 25, 2011, and at all times hereinafter  
mentioned, the defendant maintained, operated and controlled Ayer Garage in Ayer,  
Massachusetts which contained defendant's tracks, rails, switches, sidings, roadbeds  
and appurtenances thereto, over, through and upon which the defendant operated  
engines, trains and cars under its control and direction.

FIFTH: That on or about February 25, 2011, while the plaintiff, an employee of  
the defendant, was in the performance of his duties as a signalman at the Ayer Garage

in Ayer, Massachusetts, the defendant, its agents, servants and employees, so negligently and carelessly conducted themselves toward the plaintiff in failing to provide plaintiff with a reasonably safe place to work; in failing to warn plaintiff; in failing to inspect; in failing to provide adequate manpower; in failing to provide plaintiff with a boom truck; and, so negligently failed and neglected to enact and enforce safety rules, regulations, procedures, and practices for activities carried out by its personnel at the said place, that all of the foregoing brought about severe and disabling injuries to plaintiff, including but not limited to herniated discs.

SIXTH: That the said injuries occurred while the plaintiff was acting in the furtherance of interstate commerce or in work closely or substantially affecting the same.

SEVENTH: That the plaintiff was damaged thereby in the sum of \$1,000,000.00.

WHEREFORE, plaintiff demands judgment against the defendant in the sum of ONE MILLION (\$1,000,000.00) DOLLARS, together with the costs and disbursements of this action.

PLAINTIFF REQUESTS TRIAL BY JURY.

LOURINZA BURWELL

By his attorney,

DATE: 1/23/14

/s/Robert T. Naumes, Sr.  
Robert T. Naumes, Sr., Esq.  
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